

Guidelines for KASPER Reports

The statute governing the use of KASPER reports, KRS 218A.202, makes it a Class D felony to release those reports to persons who are not authorized by statute to receive them. At the same time, the Model Guidelines for the Use of Controlled Substances in Pain Treatment, adopted by the Board of Medical Licensure, provides, in part, "Utilizing the Kentucky All Schedule Prescription Electronic Reporting [i.e. The **KASPER Report**] initially can also aid in documenting the patient's history of drug utilization.... The physician should monitor patient compliance in medication usage and related treatment plans. Periodic requests for a **KASPER Report** could be utilized.... Initial or periodic **KASPER Report(s)** should *not* be part of the patient's records and should not be released to the patient or a third party."

The Board offers the following guidance regarding the appropriate use and storage of KASPER reports:

1. The patient, or his/her attorney, is NOT entitled to a copy of the report. See KRS 218A.202(6);
2. Unauthorized disclosure is a felony. KRS 218A.202(10);
3. Physicians should utilize this report for their own purposes, such as compliance with the Guidelines, but should not share (give a copy of) the report outside their practice, i.e., they may share with other practitioners within the same group/practice when all utilize the same patient chart but should not share with a practitioner or pharmacist outside the group;
4. Physicians may discuss information from the report with other practitioners (outside their group) or pharmacists. However, if one of them wants a copy, that person should obtain their own copy. (Every practitioner or pharmacist who treats a patient is entitled to request a KASPER report.) This protects the physician against issues of unauthorized disclosure;
5. If anyone submits a grievance to the Board of Medical Licensure claiming that a physician is prescribing controlled substances in an inappropriate or excessive manner, the Board's investigators and/or consultants will attempt to determine, through a review of the patient records and available KASPER reports, whether the physician properly utilized controlled substances in the treatment of each patient;
6. In order to protect against an unauthorized disclosure, while maintaining the necessary records for patient care and/or Board review, the physician should consider one of the following methods for maintaining the KASPER report(s):
 - a. filing it separately from the chart; or,
 - b. filing it in a segregated section of the chart that is marked "Not to be Released."

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